

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2/18/2022</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
DOROTHEA PERRY and JEAN SEME,	:
	:
Plaintiffs,	:
-against-	:
	:
NEW YORK STATE ATHLETIC COMMISSION,;	:
KIM SUMBLER, EXEC, DIR., NEW YORK	:
STATE DEPARTMENT OF STATE and	:
ANTHONY GIARDINA,	:
	:
Defendants.	:
-----X	

21-CV-1967 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on February 17, 2022, Plaintiff Dorothea Perry submitted a notice of voluntary dismissal without prejudice as to her claims, *see* Dkt. 53;

WHEREAS this case involves claims brought under the Fair Labor Standards Act (“FLSA”); and

WHEREAS the Second Circuit has left open for future decision whether an FLSA case may be settled without Court or DOL approval and dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A), *see Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 201 n.2 (2d Cir. 2015) (“[W]e leave for another day the question of whether parties may settle [FLSA] cases without court approval . . . by entering into a Rule 41(a)(1)(A) stipulation without prejudice.”);


IT IS HEREBY ORDERED THAT, because Plaintiff has dismissed this case without prejudice, Plaintiff’s counsel must, no later than **February 25, 2022**, submit a certification that:

(1) Dorothea Perry has been clearly advised that the dismissal of this case does not preclude her

from filing another lawsuit against the same Defendants for the wage and hour claims made in this case; and (2) Dorothea Perry has not provided a release of any sort to the Defendants.

SO ORDERED.

Date: February 18, 2022
New York, NY



VALERIE CAPRONI
United States District Judge